



[sgrvlaw.com](http://sgrvlaw.com)

**Randi A. Wolf**  
Direct Dial Number  
P 215.241.8903  
Direct Fax Number  
F 215.531.9160  
[jgreystone@sgrvlaw.com](mailto:jgreystone@sgrvlaw.com)

**Philadelphia Office**  
Seven Penn Center  
1635 Market Street  
7th floor  
Philadelphia, PA 19103  
P 215.241.8888  
F 215.241.8844

**New York Office**  
305 Broadway  
7th Floor  
New York, NY 10007  
P 212.520.1195

**New Jersey Office**  
One Greentree Centre  
10000 Lincoln Drive East  
Suite 201  
Marlton, NJ 08053  
P 856.988.5490

Admitted to practice:  
Pennsylvania  
New Jersey  
New York

December 19, 2022

**VIA ECF**

The Honorable Valerie Figueredo, U.S.M.J.  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: Rodriguez v. Burlington Coat Factory Warehouse Corp. et al.**  
**Case No. 1:22-cv-02763-ALC**

Dear Judge Figueredo:

Our Firm represents Defendants Burlington Coat Factory Warehouse Corp., Burlington Coat Factory of Texas, Inc., and Burlington Coat Factory Direct Corporation (collectively “Defendants”) in the above referenced action. I write now in accordance with Local Rule 37.2 to bring a discovery dispute to the Court’s attention and to respectfully request a discovery conference with the Court.

This lawsuit is a premises liability action filed by Plaintiff Suwette Rodriguez (“Plaintiff”), wherein Plaintiff claims she sustained personal injuries and other damages while shopping at a Burlington Coat Factory retail store. On July 24, 2022 Defendant served their Initial Disclosures pursuant to Fed. R. Civ. P. 26 on Plaintiff’s counsel, and on September 2, 2022, Defendants served initial Interrogatories and Requests for Production of Documents on Plaintiff’s counsel.

To date, Plaintiff has not produced initial disclosures pursuant to Fed. R. Civ. P. 26, nor has Plaintiff provided any answers or objections to Defendants’ Interrogatories and Requests for Documents. Responses are long overdue.

On November 2, 2022 I re-sent copies of Defendants’ written discovery demands to Plaintiff’s counsel and noted responses to the demands were overdue. I requested that counsel advise when I might expect to receive discovery responses. A copy of the November 2, 2022 email is attached here as Exhibit A. Plaintiff’s counsel did not respond to that email.

I then phoned counsel’s office a number of times, in an effort to conduct a meet and confer conference and to request the outstanding discovery responses. Each time I phoned, the phone rang with no answer (and no answering service or voice mail). My last phone call attempt was on December 8, 2022.

SO ORDERED

VALERIE FIGUEREDO

United States Magistrate Judge

Dated: 12-20-2022

A discovery conference is hereby scheduled for **Thursday, January 26, 2023 at 10:00 a.m.** Counsel for the parties are directed to call Judge Figueredo’s AT&T conference line at the scheduled time. Please dial (888) 808-6929; access code 9781335. Any response to this letter motion is due by no later than **Wednesday, January 4, 2023.**

The Honorable Valerie Figueredo, U.S.M.J.  
December 19, 2022

Page 2

Also on December 8, 2022, I again wrote to counsel, stating that I had phoned but could not reach anybody at the phone number reflected in the case pleadings. I requested contact from counsel within the next week regarding the status of Plaintiff's discovery responses, or I would need to request a discovery conference with the Court. A copy of the email dated December 8, 2022 is attached here as Exhibit B.

I received no response to my December 8, 2022 email. To date, Plaintiff's discovery responses have not been provided. Plaintiff's Rule 26 disclosures also remain outstanding.

Under these circumstances, where Plaintiff's counsel has not been reachable by telephone and there have been no responses at all to my emails, it is respectfully submitted that Defendants have made good faith attempts to resolve this discovery dispute, including good faith attempts to meet and confer with Plaintiff's counsel. Unfortunately, the within discovery dispute has not been resolved.

Therefore, Defendants respectfully request a discovery conference with the Court in accordance with Local Rule 37.2.

We appreciate the Court's attention and consideration.

Respectfully submitted,

**SPECTOR GADON ROSEN VINCI P.C.**

/s/ Randi A. Wolf

**RANDI A. WOLF, ESQUIRE**

RAW/jg

Enc.

cc: Mark J. Linder, Esquire (via ECF)

Michelle Jean-Jacques, Esquire

# EXHIBIT A

## Randi Wolf

---

**From:** Randi Wolf <rwolf@sgrvlaw.com>  
**Sent:** Tuesday, November 15, 2022 8:11 AM  
**To:** Mark Linder; mjnjacqueslir@gmail.com  
**Cc:** George M. Vinci Jr.; Charles T. Fuchsel  
**Subject:** FW: Suwette Rodriguez v. Burlington Coat Factory  
**Attachments:** Interrogs Directed to Plaintiff - Rodriguez v BCF.pdf; RPD Directed to Plaintiff - Rodriguez v BCF.pdf

Dear Counsel,

By email (below) dated September 2, 2022, Defendants served their Interrogatories and Requests for Production of Documents on Plaintiff (attached). Responses to these discovery demands are now overdue.

Kindly advise when I might expect to receive Plaintiff's written discovery responses in this case.

Thank you for your courtesies.

Randi Wolf



**Randi Wolf, Esquire**  
**Spector Gadon Rosen Vinci P.C.**

**T** +1 215-241-8903

**F** +1 215-531-9160

**E** rwolf@sgrvlaw.com

**www.sgrvlaw.com** 1635 Market Street, 7th Floor, Philadelphia, PA 19103

---

This communication including attachments, may contain information that is confidential and protected by the attorney/client or other privilege. If you are not the intended recipient of this communication, or if you believe that you have received this communication in error, please notify the sender immediately and kindly delete this email, including attachments, without reading or saving them in any manner.

IRS Circular 230 Disclosure: To ensure compliance with U.S. Treasury Regulations governing tax practice, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including attachments) was not written to be used for and cannot be used for (i) purposes of avoiding any tax-related penalties that may be imposed under Federal tax laws, or (ii) the promotion, marketing, or recommending to another party of any tax-related transaction or matter addressed herein.

---

**From:** Randi Wolf <rwolf@sgrvlaw.com>  
**Sent:** Friday, September 2, 2022 4:07 PM  
**To:** Harmon.Linder.Rogowsky@gmail.com; mjnjacqueslir@gmail.com  
**Cc:** George M. Vinci Jr. <gvinci@sgrvlaw.com>; Charles T. Fuchsel <CFuchsel@sgrvlaw.com>  
**Subject:** Suwette Rodriguez v. Burlington Coat Factory

Dear Counsel:

Attached please find Defendants' Interrogatories Directed to Plaintiff (First Set) and Defendants' Requests for Production of Documents (First Set) in the above referenced case. Kindly provide your client's responses within the time permitted by law.

Sincerely,

Randi Wolf

# **EXHIBIT B**

**Randi Wolf**

---

**From:** Randi Wolf <rwolf@sgrvlaw.com>  
**Sent:** Thursday, December 8, 2022 3:38 PM  
**To:** Mark Linder; mjnjacqueshr@gmail.com  
**Cc:** George M. Vinci Jr.; Charles T. Fuchsel  
**Subject:** RE: Suwette Rodriguez v. Burlington Coat Factory

Dear Counsel,

This email will be my final attempt to procure discovery responses from Plaintiff in the above case. I have phoned your office a number of times, but there has been no answer at the phone number reflected on your pleadings. Likewise, I have not gotten any response at all to my earlier emails requesting discovery compliance.

Unfortunately, at this juncture, I see no alternative but to petition the Court for a discovery conference in order to compel responses.

Please get back to me within the next week. If I don't hear from you, I will send the appropriate application to the Court.

Thanks,

Randi Wolf

**Randi Wolf, Esquire**  
**Spector Gadon Rosen Vinci P.C.**

Direct Phone: +1 215-241-8903

Fax: +1 215-531-9160

---

**From:** Randi Wolf <rwolf@sgrvlaw.com>  
**Sent:** Tuesday, November 15, 2022 8:11 AM  
**To:** Mark Linder <Harmon.Linder.Rogowsky@gmail.com>; mjnjacqueshr@gmail.com  
**Cc:** George M. Vinci Jr. <gvinci@sgrvlaw.com>; Charles T. Fuchsel <CFuchsel@Sgrvlaw.com>  
**Subject:** FW: Suwette Rodriguez v. Burlington Coat Factory

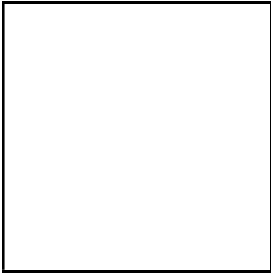
Dear Counsel,

By email (below) dated September 2, 2022, Defendants served their Interrogatories and Requests for Production of Documents on Plaintiff (attached). Responses to these discovery demands are now overdue.

Kindly advise when I might expect to receive Plaintiff's written discovery responses in this case.

Thank you for your courtesies.

Randi Wolf



**Randi Wolf, Esquire**

**Spector Gadon Rosen Vinci P.C.**

**T** +1 215-241-8903

**F** +1 215-531-9160

**E** [rwolf@sgrvlaw.com](mailto:rwolf@sgrvlaw.com)

**[www.sgrvlaw.com](http://www.sgrvlaw.com)** 1635 Market Street, 7th Floor, Philadelphia, PA 19103

---

This communication including attachments, may contain information that is confidential and protected by the attorney/client or other privilege. If you are not the intended recipient of this communication, or if you believe that you have received this communication in error, please notify the sender immediately and kindly delete this email, including attachments, without reading or saving them in any manner.

IRS Circular 230 Disclosure: To ensure compliance with U.S. Treasury Regulations governing tax practice, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including attachments) was not written to be used for and cannot be used for (i) purposes of avoiding any tax-related penalties that may be imposed under Federal tax laws, or (ii) the promotion, marketing, or recommending to another party of any tax-related transaction or matter addressed herein.

---

**From:** Randi Wolf <[rwolf@sgrvlaw.com](mailto:rwolf@sgrvlaw.com)>

**Sent:** Friday, September 2, 2022 4:07 PM

**To:** Harmon.Linder.Rogowsky@gmail.com; [mjnjacqueshlr@gmail.com](mailto:mjnjacqueshlr@gmail.com)

**Cc:** George M. Vinci Jr. <[gvinci@sgrvlaw.com](mailto:gvinci@sgrvlaw.com)>; Charles T. Fuchsel <[CFuchsel@sgrvlaw.com](mailto:CFuchsel@sgrvlaw.com)>

**Subject:** Suwette Rodriguez v. Burlington Coat Factory

Dear Counsel:

Attached please find Defendants' Interrogatories Directed to Plaintiff (First Set) and Defendants' Requests for Production of Documents (First Set) in the above referenced case. Kindly provide your client's responses within the time permitted by law.

Sincerely,

Randi Wolf